

## **REMARKS**

### **Status of Claims**

Claims 1-47 are currently pending in this application. Claims 32-47 have previously been withdrawn. Claims 1-32 were rejected in an Office Action dated January 11, 2006. More specifically: claims 1-3 and 7-9 were rejected under 102(b) by Kajiura et al (EP 1,113,511); claims 4-6 and 13-20 were rejected under 103(a) by Kajiura et al (EP 1,113,511) in view of Bruneau (U.S. Pat. No. 3,988,168); and, claims 10-12 and 21-31 were rejected under 103(a) by Kajiura et al (EP 1,113,511) in view of Warren (U.S. Pat. No. 6,444,354).

In this Response to the Office Action, applicant has amended claims 1 and 5 and cancelled claim 4. In view of the arguments below, Applicant submits that the claims are in condition for allowance over the prior art.

## **ARGUMENTS**

### **Rejection under 102(b) by Kajiura et al (EP 1,113,511)**

Independent claim1 and dependent claims 2-3 and 7-9 were rejected under 102(b) by Kajiura et al (EP 1,113,511) (herein after “Kajiura et al”). Independent claim 1 has been amended to include the limitations of dependent claim 4. Therefore, Kajiura et al does not disclose all of the features of the present invention, and the rejection under 102(b) should be withdrawn.

### **Rejection under 103(a) by Kajiura et al in view of Bruneau (U.S. Pat. No. 3,988,168)**

Claims 4-6 and 13-20 were rejected under 103(a) by Kajiura et al in view of Bruneau (U.S. Pat. No. 3,988,168) (herein after “Bruneau”). As amended claim 1 now incorporates former claim 4, these arguments will apply to amended claim 1. The applicant respectfully

traverses this rejection.

The Office Action states that “...in order to provide an effective adherent capability...” the present invention would have been obvious by Kajiura in view of Bruneau. However, these two references teach away from the suggested combination.

The prior art references as a whole must be considered. MPEP § 2141.02. Kajiura, as a whole, teaches away from combining with Bruneau. MPEP § 2145. X. D. Kajiura discloses a battery with a folded configuration. *See* Kajiura Fig. 1C. In describing the benefits of the folded configuration Kajiura specifically points to problems associated with a battery with a stacked configuration comprised of a plurality of anodes and cathodes. *See e.g.*, Kajiura col 2, line 44 – col 3 line 9. Specifically, Kajiura notes the problems with current collectors, problems with alignment of the stack, as well as problems with moving the stack. In sum, the whole of Kajiura teaches away from a stacked configuration.

Bruneau discloses such a stacked configuration. *See* Bruneau Fig. 2. Thus, based on the teaching away from a stacked configuration, one of ordinary skill in the art would not combine Kajiura with Bruneau because Bruneau discloses such a stacked configuration.

Further, Bruneau is a stacked configuration that is directed specifically at a battery to be used integrally with a film pack for “self-developing film.” *See* Bruneau, col 2, lines 9 – 14. In describing these types of batteries, Bruneau describes them as for example, “specifically configured.” *See* Bruneau, col 2, lines 31 – 46. Applicant submits that one of skill in the art looking to modify Kajiura, in addition to the teaching away, would not look to Bruneau because of the highly specialized nature of the batteries that Bruneau specifically relates to.

For these reasons, the applicant submits that the 103(a) rejection under Kajiura in view of Bruneau should be withdrawn. Therefore, claims 1 and 13, as the dependent claims therefrom, should be in condition for allowance.

Rejection under 103(a) by Kajiura et al in view of Warren (U.S. Pat. No. 6,444,354)

Claims 10-12 and 21-31 were rejected under 103(a) by Kajiura et al in view of Warren (U.S. Pat. No. 6,444,354) (herein after “Warren”). Applicant respectfully traverses this rejection.

The Office Action states that “...in order to aid in the ease of the folding steps...” the present invention would have been obvious under Kajiura in view of Warren. However, these two references teach away from the suggested combination.

The prior art references as a whole must be considered. MPEP § 2141.02. Warren, as a whole, teaches away from combining with Kajiura. MPEP § 2145. X. D. Kajiura discloses a battery with a folded electrode configuration. *See* Kajiura Figs. 1C-1E. Warren specifically distinguishes these types of folded configurations and teaches away from any combination.

Warren discloses a “uniquely” folded electrode configuration. *See* Warren Figs. 3a-3d. In addition to not having the same type of folded configuration, Warren specifically distinguished the folded configurations, such as the folded configuration of Kajiura. *See* Warren Fig. 2a-2b (Prior Art) and col. 2 lines 54 - 60. Warren notes several disadvantages of these types of electrode configurations, such as, for example, terminal location and current collector locations. *See* Warren col. 2, lines 1-44. Further, Warren notes that the disclosed “irregular fold sequence of the invention” provides advantages over the prior art like Kajiura. *See* Warren col. 3, lines 3-11. As such, one of skill in the art would not combine Kajiura and Warren, because Warren specifically distinguished the folded configuration of Kajiura. Therefore, the rejection

under 103(a) based in Kajuira in view of Warren should be withdrawn and the rejected claims in condition for allowance.

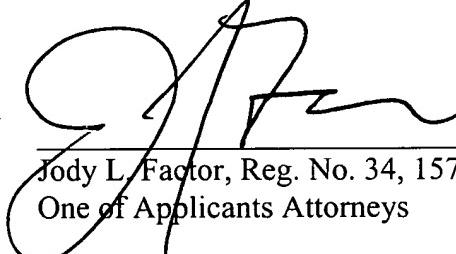
Having traversed the only remaining rejections, the applicant submits that the present application is now in condition for allowance, and respectfully requests that the present application proceed to issue.

Should anything further be required, a telephone call to the undersigned at (312) 226-1818 is respectfully requested.

Respectfully submitted,

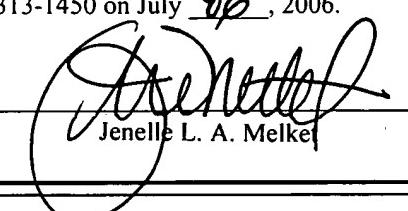
FACTOR & LAKE, LTD.

Dated: July 6, 2006

  
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One of Applicants Attorneys

**CERTIFICATE OF FIRST CLASS MAILING**

I hereby certify that this Response to Office Action dated January 11, 2006 is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop: Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on July 16, 2006.

  
Jenelle L. A. Melker